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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,348	07/10/2001	Luis M. Ortiz	O&L 1000-1058	8886

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EXAMINER

CATHEY II, PATRICK H

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,348

Applicant(s)

ORTIZ ET AL.

Examiner

Patrick H. Cathey II

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

The amendment filed on 12/03/2004 under 37 CFR 1.131 is sufficient to overcome the Anderson, Jr. et al. reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 1-4, 6-10, 12, 13, 15, 18-23, 26, 27, 31, 32, 35, 37, 39 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. (US 5,729,471).

As for Claim's 1, 2, 3, 4, 6-10, 12, 13, 18-23, 26, 27, 35, 39 and 56, Anderson, Jr. et al. teach capturing video images from more than one perspective of a venue-based activity using more than one video cameras (Column 2, lines 26-28) and processing the video images into venue-based data formatted for wireless transmission via a wireless network for use by more than one hand held devices each having a display screen (Column 5, lines 22-38). Also shown is a user interface that allows the user to select the video and audio combination for display on the hand held device (Column 5, lines 38-46). Anderson, Jr. et al. fail to teach a display screen adapted for simultaneously viewing more than one perspective of venue-based data captured by more than one

video camera, but Jain et al. does (Column 33, lines 61-67). Since this is just having a display that is capable of displaying the multiple images simultaneously, it would have been obvious to one of ordinary skill to use the multiple cameras from different perspectives in order to display a plurality of different perspectives on one hand held device.

As for Claim's 15, 31 and 32, Anderson, Jr. et al. fail to teach an instant replay option for the users of his device, but Jain et al. does (Column 18, lines 61-65). Since the instant replay is a minor change in the options menu a user could have to view the information that has already taken place at a later time, it would be would obvious to one or ordinary skill to add the instant replay option to their display.

As for Claim 37, many of the limitations have been addressed in the above rejections. In addition, Anderson, Jr. et al. teach a server, or network, for processing data representing the one video perspective captured by the more than one venue-based video camera for transmission to the at least one hand held device, where the at least one wireless hand held device is associated with a display screen for displaying the data (Column 6, lines 48-55).

Claim's 5, 14, 16, 17, 24, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Hendricks et al. (US 6,675,386).

As for Claim's 5 and 24, Anderson, Jr. et al. and Jain et al. fail to teach a camera that takes wide-angle video data, but Hendricks et al. does (Column 11, lines 13-21).

Since the wide angle lens just gives you a wider viewing scene of an event it would have been obvious to one of ordinary skill to make at least one of their cameras at an event a wide angle camera in order to capture a wider viewing range.

The high-resolution part of the wide-angle video data would be a minor upgrade to the video camera and would only require one to spend the additional money for the high-resolution camera. Therefore it would be obvious to one of ordinary skill to have high-resolution wide-angle video data as opposed to just wide-angle video data.

(Official Notice)

As for Claim's 16, 17, 33 and 34, Anderson, Jr. et al. and Jain et al. fail to include advertisements and promotional information in his device, but Hendricks et al. does (Column 16, lines 37-43; see also Figure 12). Since one would be able to include advertisements and promotional information to viewers very easily if they were broadcasting their signal over a wireless communication network to many viewers it would be obvious to one of ordinary skill to add these advertisements or promotional information if one wanted to disrupt the broadcast of their event to advertise their product or anything else of the case.

As for Claim 14, the use of the portable device taught by Anderson, Jr. et al. is to be used while attending an event. Although Anderson, Jr. et al. and Jain et al. fail to specifically teach that the combined signal sent to the receiver is of real time data, Hendricks et al. does (Column 9, lines 24-30). Since a real time image would be necessary if you were attending the event of the video image you are receiving it would

have been obvious to one of ordinary skill to have the signal be real time data so that the user at the event can view the image as it is happening.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of McClintock (US 5,598,208).

Anderson, Jr. et al. and Jain et al. fail to teach the use of at least one wireless video camera in his device, but McClintock does (Column 5, lines 9-14). Since the use of a wireless video camera performs the same as another camera with wires it would be obvious to one of ordinary skill to use a wireless camera in an event where a wireless camera is the only option available.

Claim's 11, 28-30, 36, 38, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Blanchard et al. (US 6,782,102).

Anderson, Jr. et al. and Jain et al. fail to teach a security system in his device to be used over the transmission of his signals that includes an encryption module that encrypts his data prior to transmission, but Blanchard et al. does (Column 2, lines 9-22). Blanchard et al. shows that it is common and well known to use the encryption algorithm. Since the encryption and security device are used to apply additional security so that it is more difficult for others to view the information you are transmitting

it would be obvious to one of ordinary skill to apply a security method that uses an encryption algorithm to secure the data being transmitted.

As for Claim's 11 and 28, Anderson, Jr. et al. and Jain et al. fail to specifically teach where the display screen comprises a touch sensitive display operable by the user selection, but Blanchard et al. does (Column 2, lines 35-54). Since the touch screen is just a variation of how the user makes their selection of multiple views, it would have been obvious to one of ordinary skill to implement a touch screen for selection as opposed to touching the designated buttons that make the selection in the first place. The only difference is touching a button as opposed to the screen.

As for Claim's 41 and 42, all of the limitations have been addressed in the above rejections.

Claim's 40, 43 and 45-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Ausems et al. (US 6,434,403).

As for Claim's 40 and 43, Anderson, Jr. et al. and Jain et al. fail to teach where the module comprises a smart card, but Ausems et al. does (Column 4, lines 40-50). Since the smart card is just a way of saving and transmitting personal settings and data to other PDA's or telephones, it would have been obvious to one of ordinary skill to use a smart card in use with the PDA or telephone in order to more easily have saved data for use in other locations.

As for Claim's 45 and 50, many of the limitations have been addressed in the above rejections. In addition, Anderson, Jr. et al. and Jain et al. fail to specifically teach that the hand held device may be a personal digital assistant or a wireless telephone. Since this is just the difference between being able to wirelessly transmit to the hand held device and being able to transmit to a personal digital assistant or a wireless telephone, which are both known to be able to receive transmission of video data, it would have been obvious to one of ordinary skill to use alternate hand held devices in the forms of a personal digital assistant or a wireless telephone in order to make more use of the wireless network being used at the venue-based entertainment.

As for Claim's 46-48 and 51-53, all of the limitations have been addressed in the above rejections.

As for Claim's 49 and 54, many of the limitations have been addressed in the above rejections. In addition, Anderson, Jr. et al. teach where the removable module further comprises a plurality of tuners, or modulators, integrated with the at least one hand held device (Column 4, lines 31-47; See also Figure 2).

Claim's 44 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Treyz et al. (US 6,526,335).

As for Claim 44, many of the limitations have been addressed in the above rejections. Anderson, Jr. et al. and Jain et al. fail to teach where the at least one server is adapted for processing at least one concession order as a part of the service request,

but Treyz et al. does (Column 2, lines 51-64). Since this is just transmitting another signal through the wireless network for an order through a retailer, it would have been obvious to one of ordinary skill to order a concession with the hand held device since other such forms of advertisements and promotions are to be displayed on the hand held device as well. This would just be transmitting a request back through the network to obtain an order.

As for Claim 55, many of the limitations have been addressed in the above rejections. Anderson, Jr. et al. and Jain et al. fail to specifically teach a wireless transmitter for transmitting the data in packets through a wireless network to the at least one hand held device, but Treyz et al. does (Column 62, line 61 to Column 63, line 11). Since this is just the method in which the data is transmitted to the hand held devices through the wireless network, it would have been obvious to one of ordinary skill to transmit the data in packets through the wireless network.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references not used in the above rejections were included because they teach additional information regarding monitoring venue-based events.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (703) 305-4909. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 503-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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